

DAVID LOY, Cal. Bar No. 229235
ANN CAPPETTA, Cal. Bar No. 354079
FIRST AMENDMENT COALITION
534 4th Street, Suite B
San Rafael, CA 94901-3334
Telephone: 415.460.5060
Email: dloy@firstamendmentcoalition.org
acappetta@firstamendmentcoalition.org

Attorneys for Plaintiff JOSE ANTONIO GARCIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JOSE ANTONIO GARCIA,

Plaintiff,

v.

COUNTY OF ALAMEDA and YESENIA
SANCHEZ, Sheriff of Alameda County, in her
official capacity,

Defendants.

Case No. 3:24-cv-03997-RS

**DECLARATION OF JOSE ANTONIO
GARCIA IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

Date: September 5, 2024

Time: 1:30 p.m.

Judge: Honorable Richard Seeborg

Ctrm: Courtroom 3 – 17th Floor

I, JOSE ANTONIO GARCIA, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration, and if called to testify as a witness thereto, could do so competently under oath.

2. I am the road safety, transportation, and public health beat reporter for *The Oaklandside*, a nonprofit journalism platform founded in June 2020, committed to rooting its reporting in the needs and wants of diverse communities across the City of Oakland and amplifying community voices.

3. I use my maternal family surname to write under the pen name “Jose Feroso” at *The Oaklandside*.

4. *The Oaklandside* is one local news site component of the parent nonprofit Cityside Journalism Initiative, which is devoted to building community and strengthening democracy through local news.

1 5. I have held my position at *The Oaklandside* since September 2021, when I was
 2 awarded the Knight-Wallace Reporting Fellowship through the University of Michigan, for my
 3 reporting project, “Oakland’s Deadly Roadways: Reckoning with Inequities in Urban Design for
 4 *The Oaklandside*.”

5 6. Before my fellowship began, I worked as a freelance reporter and had regularly
 6 published stories in *The Oaklandside* since June 2020, including stories about road safety.

7 7. I was awarded the Knight-Wallace Reporting Fellowship based in part on my
 8 previous freelance reporting published in *The Oaklandside* and in other major news publications
 9 as a staff writer or freelance reporter including for *The Guardian (UK)*, the *Silicon Valley Business*
 10 *Journal*, and the *New York Times* best-selling non-fiction book *Jony Ive: The Genius Behind*
 11 *Apple’s Greatest Products*. The Knight-Wallace Reporting Fellowship is considered among the
 12 three most prestigious reporting fellowships in the United States.

13 8. I report on road safety matters both within City limits, as well as in parts of
 14 unincorporated Alameda County, among other areas, when issues important to Oakland
 15 communities arise outside the strict geographical boundaries of the City.

16 9. As I have reported, a “sideshow” is:

17 A controversial event where drivers take over city intersections with their cars as they skid
 18 in circles while performing stunts. [Sideshows](#) can last seconds or hours at a time, and they
 19 can be performed by a single individual without a crowd or by multiple people with
 20 hundreds of onlookers rallying them on. Some people have defended sideshows as an
[important outlet for youthful rebellion](#) while others have noted that they often, especially
 in recent years, are accompanied by gun violence and rowdy behavior.

21 A true and correct excerpt of the article containing this reporting is attached hereto as **Exhibit 1**
 22 and is available at [https://oaklandside.org/2023/11/30/road-safety-transportation-infrastructure-](https://oaklandside.org/2023/11/30/road-safety-transportation-infrastructure-glossary-terms-definitions/#h-sideshows)
 23 [glossary-terms-definitions/#h-sideshows](https://oaklandside.org/2023/11/30/road-safety-transportation-infrastructure-glossary-terms-definitions/#h-sideshows).

24 10. In the past two years, I have written at least 16 articles published in *The*
 25 *Oaklandside* that discuss incidents at a sideshow, sideshows generally, or sideshow-prevention
 26 measures.

27 11. I see my role as neutrally informing Oakland communities on the facts and
 28 circumstances of sideshows, so that they are empowered with the knowledge necessary to

1 understand the history of and problems associated with these events and may make fact-based
2 decisions regarding sideshow attendance, policing, and policy reform.

3 12. Observing, recording, and reporting on these events enables the dissemination of
4 critical information to Oakland and Alameda County communities, which facilitates more
5 widespread awareness of sideshows and associated problems, policing, and policy reform. I
6 regularly rely on photographs, as well as video and audio recordings, in order to gather news and
7 information and keep the public informed. Quality audio and visual recordings and photographs
8 are uniquely valuable to my journalistic work because they help transport viewers to what is
9 happening on the scene, especially in the context of breaking news.

10 13. On May 30, 2023, I published an article entitled “Map: These Oakland
11 intersections are hotspots for sideshows.” In reporting this article, my co-author and I mapped
12 every report of a sideshow made to Oakland police from January 2019 to November 2022. A true
13 and correct copy of this article is attached hereto as **Exhibit 2** and is available at
14 <https://oaklandside.org/2023/05/30/oakland-sideshow-hotspots-map/>.

15 14. As reported in the article, I found that the intersection most frequently taken over
16 by sideshows, according to reports to police, was Keller Avenue and Skyline Boulevard, with 55
17 days of sideshow activity reported between January 2019 and November 2022.

18 15. The intersection of Keller Avenue and Skyline Boulevard is on the border between
19 the City of Oakland and unincorporated Alameda County. Sideshows occurring at this intersection
20 are visible, within 200 feet, from areas of unincorporated Alameda County.

21 16. While only 55 days of sideshow activities were reported to Oakland Police at the
22 Keller-Skyline intersection from January 2019 to November 2022, I interviewed Vijoa Lucas, the
23 manager of the Anthony Chabot Equestrian Center, which is in unincorporated Alameda County,
24 about 500 feet from the intersection. As reported in the article, Lucas stated that sideshows were
25 happening “nearly every night” at the intersection between 2018 and 2020, and she still hears them
26 “four or five times a month.”

1 17. Other sideshows I mapped for the article occurred directly in unincorporated
2 Alameda County. For example, one day of sideshow activities was reported at the intersection of
3 Grass Valley Road and Skyline Boulevard, as well as at 7861 Redwood Road.

4 18. Without reports of sideshows to police, I would not have been able to report this
5 article.

6 19. It is important for covering sideshows to photograph, film, and record audio of the
7 events, within 200 feet of the intersections where they occur, to convey adequately detailed visual
8 and auditory context that can enhance readers' comprehension of the matters reported. For
9 example, one image published in the article showed cars lining up on 98th Avenue near an East
10 Oakland intersection taken over for a sideshow, giving visual context to how the event impacted
11 traffic.

12 20. The public's interest in and response to this article was substantial. As of or about
13 June 18, 2024, this article has been viewed approximately 13,000 times.

14 21. After I published the article mapping sideshows around Oakland, I planned to do
15 on-site follow-up reporting on sideshows, due to the high level of community interest in my article
16 and in understanding sideshows.

17 22. I planned to personally observe, record, and report on the scene of sideshows in
18 Oakland and unincorporated Alameda County, with particular interest in observing, recording, and
19 reporting on sideshows at the most frequently reported intersection of Keller Avenue and Skyline
20 Boulevard. I planned such observation to include recording and photographing the intersection and
21 sideshow event from all angles, including from unincorporated Alameda County, within 200 feet
22 of the intersection, to best capture images for purposes of newsgathering and reporting.

23 23. To document and report on these sideshows and provide our readers and potential
24 viewers with the most accurate account of the event, I would make audio and video recordings and
25 take still photographs.

26 24. However, I learned that the Alameda County Board of Supervisors had adopted
27 Ordinance No. 2023-31 ("Ordinance"), codified at Chapter 10.40 of the Alameda County Code
28

1 (“ACC”) on August 1, 2023, making it a crime to be a “spectator” at a “sideshow” or related
2 “preparations.” ACC § 10.40.030(A)–(B).

3 25. When I learned of the Ordinance, I canceled all future plans to report on-site at
4 sideshows in the unincorporated areas of Alameda County because such reporting would mean the
5 Ordinance’s definition of a “spectator” plainly applied to me, and I feared citation, arrest, and
6 criminal prosecution under the Ordinance.

7 26. Because of my fears of criminal prosecution for observing sideshows, I have been
8 unable to engage in effective firsthand observation and recording of sideshows in the
9 unincorporated areas of Alameda County since the Ordinance was passed.

10 27. My readers and Oakland communities need and want more news on sideshows,
11 including the kind of reporting I planned before Alameda County enacted the Ordinance.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct and that this declaration was executed in Oakland, California on
14 July 1, 2024.

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17 JOSE ANTONIO GARCIA
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